

PREET BHARARA
United States Attorney for the
Southern District of New York
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, :
Plaintiff, : VERIFIED COMPLAINT
-v.- : 16 Civ. ____
\$219,250,000 in United States :
Currency, :
Defendant *in rem.*

Plaintiff United States of America, by its attorney, PREET BHARARA, United States Attorney for the Southern District of New York, for its Verified Complaint (the "Complaint") alleges, upon information and belief, as follows:

I. JURISDICTION AND VENUE

1. This action is brought by the United States of America pursuant to 18 U.S.C. § 981(a)(1)(C), seeking the forfeiture of \$219,250,000 in United States Currency (the "Defendant Funds").

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.

3. Venue is proper pursuant to 28 U.S.C. § 1335(b)(1)(A) because acts and omissions giving rise to the forfeiture took place in the Southern District of New York.

II. NATURE OF THE ACTION

4. As alleged in *United States v. Bank Julius Baer & Co. Ltd.*, S3 11 Cr. 866 (LTS) (the "Julius Baer Information," attached as Exhibit A and incorporated by reference herein), from at least in or about 2001 up through and including at least in or about 2009, Bank Julius Baer & Co. ("Julius Baer"), a Swiss bank, conspired with others known and unknown to defraud the United States of certain taxes due and owing by concealing from the United States Internal Revenue Service ("IRS") undeclared accounts owned by U.S. taxpayers at Julius Baer.

5. On or about February 2, 2016, the United States Attorney's Office for the Southern District of New York (the "Office") and Julius Baer entered into a deferred prosecution agreement (the "Julius Baer DPA," attached as Exhibit B and incorporated by reference herein).

6. Pursuant to the Julius Baer DPA, Julius Baer agreed to transfer \$219,250,000 in United States Currency (the Defendant Funds) to the United States Treasury. The Defendant Funds represent Julius Baer's gross proceeds from its scheme to

defraud the United States as set forth in the Julius Baer Information.

III. CLAIM FOR FORFEITURE

7. The allegations contained in paragraphs one through six of this Verified Complaint are incorporated by reference herein.

8. Title 18, United States Code, Section 981(a)(1)(C) subjects to forfeiture "[a]ny property, real or personal, which constitutes or is derived from proceeds traceable to a violation of . . . any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense."

9. "Specified unlawful activity" is defined in 18 U.S.C. § 1956(c)(7) to include any offense under 18 U.S.C. § 1961(1). Section 1961(1) lists as offenses both mail fraud (18 U.S.C. § 1341) and wire fraud (18 U.S.C. § 1343).

10. By reason of the above, the Defendant Funds are subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C).

Dated: New York, New York
February 2, 2016

PREET BHARARA
United States Attorney for
Plaintiff United States of America

By:

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VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK :
SOUTHERN DISTRICT OF NEW YORK)

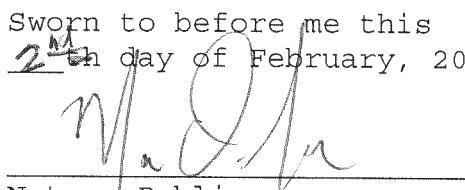
ERIC JONKE, being duly sworn, deposes and says that he is a Special Agent with the Internal Revenue Service, Criminal Investigation; that he has read the foregoing Verified Complaint and knows the contents thereof; and that the same is true to the best of his knowledge, information and belief.

The sources of deponent's information and the grounds of his belief are his personal involvement in the investigation, and conversations with and documents prepared by law enforcement officers and others.



Eric Jonke
Special Agent
Internal Revenue Service,
Criminal Investigation

Sworn to before me this
24th day of February, 2016



Notary Public

MARCO DASILVA
Notary Public, State of New York
No. 01DA6145603
Qualified in Nassau County
My Commission Expires May 8, 2018